



# TOWN OF MILLIS

Dr. James A. Lederer, *Chair*  
Carol Hayes, *Vice Chair*  
Edward Chisholm  
Christine Gavin  
John Steadman  
Scott McPhee  
David Larsen

## OFFICE OF THE CONSERVATION COMMISSION

900 Main Street • Millis, MA 02054

Phone: 508-376-7045

Fax: 508-376-7053

<https://www.millisma.gov/conservation-commission>

Camille Standley  
Administrative Assistant  
[cstandley@millisma.gov](mailto:cstandley@millisma.gov)

May 23, 2022

Mr. Daniel Merrikin, PE  
Legacy Engineering LLC  
730 Main St., Suite 2C  
Millis, MA 02054

**RE: DEP File #CE225-0435**  
**Order of Resource Area Delineation**  
**1178 Main Street, Millis, MA**  
**Owner: 1178 Main Street LLC**

Dear Mr. Merrikin:

Enclosed please find the original and a copy of the Order of Resource Area Delineation for the subject property.

Please do not hesitate to contact us should you have any questions.

Sincerely,

Camille Standley  
Administrative Assistant

Encs.

cc: Building Dept. (via email)  
BOH (via email)  
DEP CERO (via email and mail)  
File

For Registry of Deeds Use Only



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 4B – Order of Resource Area**  
**Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

CE225-0435

MassDEP File Number

1342283

eDEP Transaction Number

MILLIS

City/Town

**A. General Information**

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Millis Conservation Commission  
 1. Conservation Commission

2. This Issuance is for (check one):

- a. ☒ Order of Resource Area Delineation  
 b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

a. First Name 1178 Main Street LLC b. Last Name \_\_\_\_\_  
 c. Organization 64 West Street  
 d. Mailing Address Medfield MA 02052  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_

4. Property Owner (if different from applicant):

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
 c. Organization \_\_\_\_\_  
 d. Mailing Address \_\_\_\_\_  
 e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_

5. Project Location:

1178 Main Street Millis 02054  
 a. Street Address \_\_\_\_\_ b. City/Town \_\_\_\_\_ c. Zip Code \_\_\_\_\_  
22 17, 31, 32, 33  
 d. Assessors Map/Plat Number \_\_\_\_\_ e. Parcel/Lot Number \_\_\_\_\_

Latitude and Longitude 42.16218Nd m s 71.37067Wd m s  
 (in degrees, minutes, seconds): f. Latitude \_\_\_\_\_ g. Longitude \_\_\_\_\_

6. Dates: February 1, 2022 May 16, 2022 May 23, 2022  
 a. Date ANRAD filed \_\_\_\_\_ b. Date Public Hearing Closed \_\_\_\_\_ c. Date of Issuance \_\_\_\_\_



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area  
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

CE225-0435

MassDEP File Number

1342283

eDEP Transaction Number

MILLIS

City/Town

**A. General Information (cont.)**

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

See Attachment A.

a. Title

b. Date

c. Title

d. Date

**B. Order of Delineation**

1. The Conservation Commission has determined the following (check whichever is applicable):

- a. ☐ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a.

- b. ☒ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☒ Bordering Vegetated Wetlands
2. ☒ Other resource area(s), specifically:

a. See Attachment B.

- c. ☐ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area  
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

CE225-0435

MassDEP File Number

1342283

eDEP Transaction Number

MILLIS

City/Town

**B. Order of Delineation (cont.)**

3. ☐ The boundaries were determined to be inaccurate because:

---



---



---

**C. Findings**

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

**D. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

CE225-0435

MassDEP File Number

1342283

eDEP Transaction Number

MILLIS

City/Town

**E. Signatures**

5/23/2022  
Date of Issuance

Please indicate the number of members who will sign this form.

6  
1. Number of Signers

Signatures

[Signature]  
Signature of Conservation Commission Member

James A. Lederer

Printed Name

[Signature]  
Signature of Conservation Commission Member

Edward Chisholm

Printed Name

[Signature]  
Signature of Conservation Commission Member

Carol Hayes

Printed Name

[Signature]  
Signature of Conservation Commission Member

Christine Gavin

Printed Name

[Signature]  
Signature of Conservation Commission Member

John Steadman

Printed Name

[Signature]  
Signature of Conservation Commission Member

Scott McPhee

Printed Name

[Signature]  
Signature of Conservation Commission Member

David Larsen

Printed Name

[Signature]  
Signature of Conservation Commission Member

Printed Name

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on \_\_\_\_\_

a. Date

3. ☒ By certified mail, return receipt requested on \_\_\_\_\_

a. Date

**ORDER OF RESOURCE AREA DELINEATION**  
**1178 MAIN STREET, MILLIS, MA**  
**MASSDEP FILE NO. 225-0435**

**ATTACHMENT A - PLANS AND DOCUMENTS**

- *Abbreviated Notice of Resource Area Delineation (ANRAD) for 1178 Main Street Millis, MA*; prepared by Legacy Engineering; dated February 1, 2022.
- *Re: Wetland Border Report 1178 Main Street, Millis*; prepared by Goddard Consulting, LLC.; dated March 19, 2020.
- *1178 Main Street A.N.R.A.D. Plan of Land in Millis, MA*; prepared by Legacy Engineering; dated January 31, 2022; revised through May 16, 2022; stamped and signed by Daniel J. Merrikin, MA P.E. No. 43309 & Anthony Dellorco, MA P.L.S. No. 34303; 1 sheet.
- *Re: Abbreviated Notice of Resource Area Delineation – Peer Review*; prepared by BETA Group, Inc.; dated March 31, 2022. (Comment Letter #1)
- *Ref: Abbreviated Notice of Resource Area Delineation 1178 Main Street*; prepared by Legacy Engineering; dated May 10, 2022. (Response to Comment Letter #1)
- *Re: Abbreviated Notice of Resource Area Delineation – Peer Review*; prepared by BETA Group, Inc.; dated May 16, 2022. (Comment Letter #2)

## **ORDER OF RESOURCE AREA DELINEATION**

**1178 MAIN STREET, MILLIS, MA**

**MASSDEP FILE NO. 225-0435**

### **ATTACHMENT B – FINDINGS OF FACT**

An Abbreviated Notice of Resource Area Delineation (ANRAD) was submitted to the Millis Conservation Commission (MCC) on February 1, 2022 for a property located at 1178 Main Street in Millis, Massachusetts, further identified as Millis Assessor's Parcel 22-17, 22-31, 22-32, & 22-33 (the Site). The Site is bounded to the north by Main Street (Route 109), to the west by undeveloped woodlands, to the south by Farm Street, and to the east by Hammond Street. The Site is entirely vegetated; however, based on the observations of foundations/walls and a review of historic aerial photography, the Site was historically used for farming purposes. Areas Subject to Protection and/or Jurisdiction under the Massachusetts Wetlands Protection Act (M.G.L. ch.131, §40) and its implementing regulations at 310 CMR 10.00 (collectively "the Act") and the Town of Millis Wetlands Protection Bylaw (Article XIX) and its implementing regulations (collectively "the Bylaw") present at the Site and subject to this Order of Resource Area Delineation (ORAD) include Bordering Vegetated Wetland (BVW), Vegetated Wetland, Buffer Zone, and the Adjacent Upland Resource Area (AURA).

The public hearing was closed on May 16, 2022, and the MCC voted to issue an ORAD approving select boundaries of Resource Areas at the Site. The issuance of this ORAD is based on the following findings:

1. The ANRAD application requested confirmation of approximately 692 linear feet of BVW and Vegetated Wetland, which would also confirm the boundaries of the associated Buffer Zones and AURA. Flags WF1 through WF39 encompass the extent of the ANRAD scope and were the only flags reviewed in the field.
2. Additional Areas Subject to Protection and Jurisdiction under the Act and the Bylaw exist on and within 100 feet of the Site and are not confirmed by this ORAD.
3. This ORAD does not confirm the intermittent or perennial status of any stream on or within 200 feet of the Site.
4. Federal Emergency Management Agency (FEMA) mapping depicts the Site as being withing a Zone X (0.2% annual chance of flooding) Flood Hazard; however, issuance of this ORAD does not preclude the MCC from taking jurisdiction over any onsite Bordering Land Subject to Flooding (BLSF) during the review of any future projects at the Site should FEMA mapping be revised in the future.
5. No work is approved at the Site by the MCC through the issuance of this ORAD.
6. The boundaries of Resource Areas within the scope of the ANRAD were peer reviewed in the field and modified in a number of locations from the original delineation. The most recent plan referenced in this ORAD correctly depicts the following Resource Areas noted in Table 1:

**Table 1: Approved Resource Areas**

<b>FLAGS</b>	<b>RESOURCE AREA</b>	<b>JURISDICTION</b>
WF1 through WF17 to WF17A to WF18 through WF39	BVW	Act
WF1 through WF3 to WF4(BYLAW) to WF5 through WF6 to WF7(BYLAW) to WF8 through WF9 to WF10(BYLAW) to WF11(BYLAW) to WF12 through WF17 to WF17A to WF18 through WF39	Vegetated Wetland	Bylaw
Measured 100 feet horizontally outward from all flags noted above	AURA	Bylaw



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP \_\_\_\_\_

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

a. Street Address \_\_\_\_\_

b. City/Town, Zip \_\_\_\_\_

c. Check number \_\_\_\_\_

d. Fee amount \_\_\_\_\_

2. Person or party making request (if appropriate, name the citizen group's representative):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City/Town \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number (if applicable) \_\_\_\_\_

4. DEP File Number: \_\_\_\_\_

**B. Instructions**

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Instructions (cont.)**

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 4B – Order of Resource Area  
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

CE225-0429

MassDEP File Number

eDEP Transaction Number

MILLIS

City/Town

**Recording Information**

Prior to commencement of work, this Order of Resource Area Delineation must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Resource Area Delineation. The recording information on this page shall be submitted to the Conservation Commission listed below.

MILLIS

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Millis

Conservation Commission

Please be advised that the Order of Resource Area Delineation for the Project at:

1178 Main Street

Project Location

CE225-0435

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Norfolk

County

Book

Page

For:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Resource Area Delineation issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant